

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JAMES E. SCHWARTZ**  
*Plaintiff*

**v.**

**ONEWEST BANK, FSB**  
*Defendant*

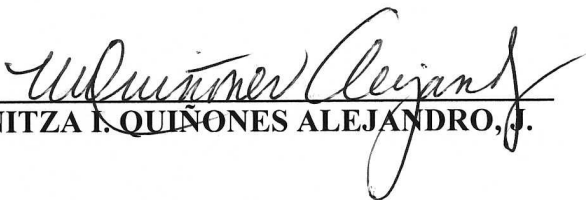
**: CIVIL ACTION**  
**:**  
**: NO. 13-0113**  
**:**  
**:**  
**:**  
**:**

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of November 2013, upon consideration of Defendant's *Motion to Dismiss First Amended Complaint* [ECF 10], Plaintiff's *Answer to Motion to Dismiss First Amended Complaint* [ECF13], and the allegations contained in the *First Amended Complaint* [ECF 7], it is hereby **ORDERED** that Defendant's motion with respect to Counts III through VIII of the First Amended Complaint is **GRANTED**, and Counts III through VIII are hereby **DISMISSED**.

A memorandum opinion setting forth the reasons for this Order is filed herewith.

**BY THE COURT:**

  
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NITZA I. QUINONES ALEJANDRO, J.